Update on FDA's Goal Performance and the Impact of Imminent Approvals/Tentative Approvals

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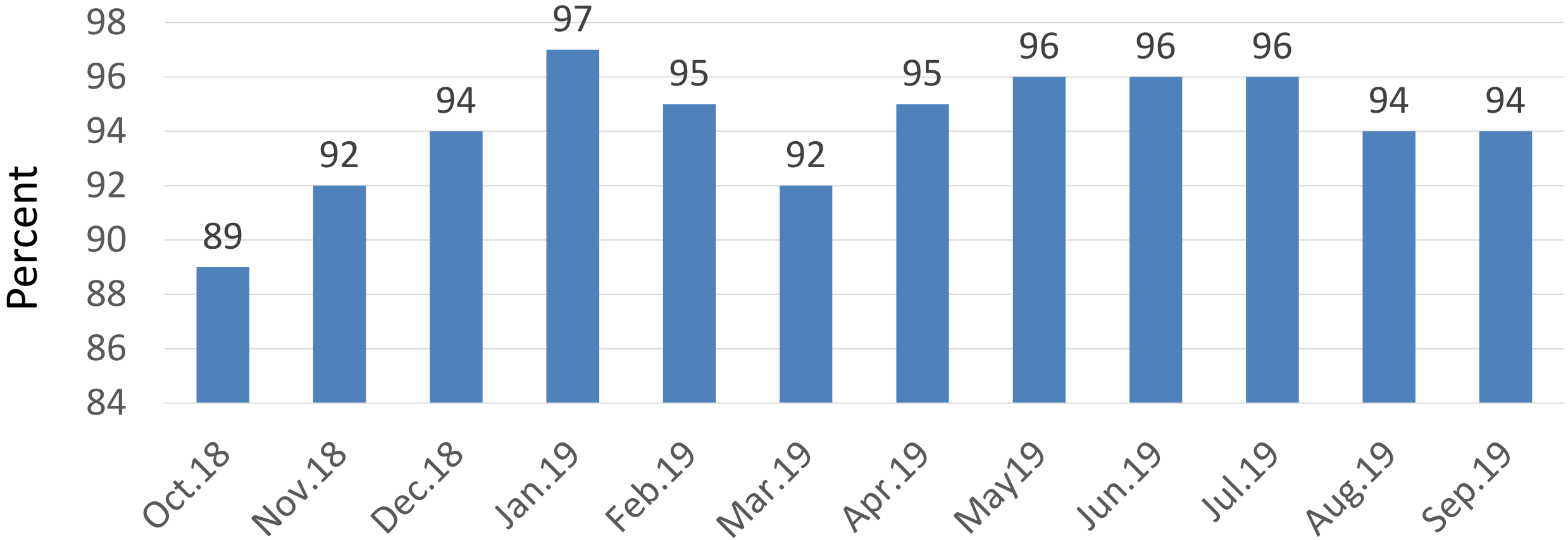
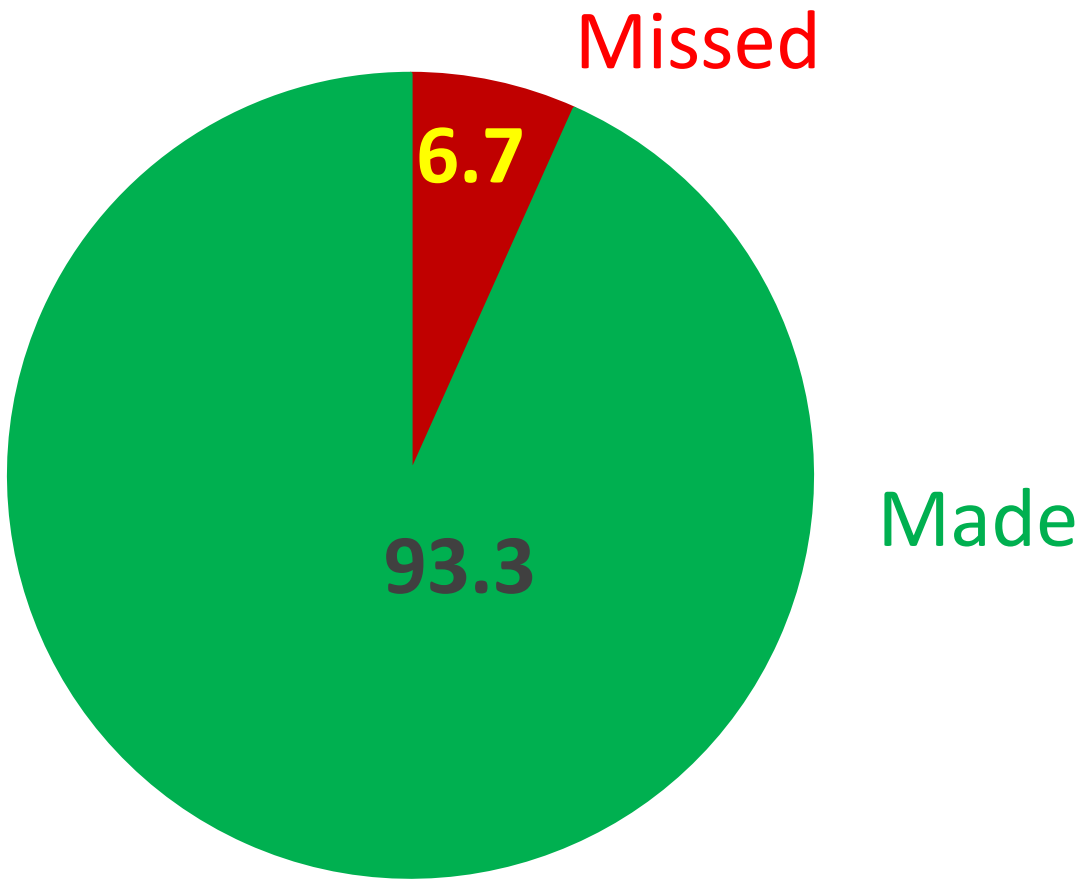
Agenda

- Goal Performance
- Reasons for Misses
- What Does the Commitment Letter Say?
- Data on Misses
- Imminent Approval Situations
- Tips for Industry
- Value

Overall Original ANDA Monthly Performance



Perspective: Missed vs Made



Sub-Goals & Imminent AP/TA Performance

Misses are not evenly distributed across the goals.

	# Due	# On Time	% On Time	Imminent AP/TA Counts	% Either On Time or Imminent AP/TA
Orig. Standard Minor - 3 month goal	495	442	89%	50	**99%**
Orig. Priority Minor - 3 month goal	156	135	87%	19	**98%**

Why misses on Minor goals?

1. Cycle more likely to generate AP/TA
2. Cycle with the shortest goal dates

AP = Approval
TA = Tentative Approval

Note: FY 19 partial year data

Reasons for Misses

1. FDA
   a. *Late Reference Listed Drug (RLD) information or changes*
   b. *Late facility or contractor information or changes*
   c. Complex assessment issues
   d. Work management related misses
2. Applicants
   a. *Late RLD changes*
   b. *Late facility or contractor information or changes*
   c. Delay in providing patent/exclusivity updates

Reasons for Misses (cont.)

3. Issues beyond FDA's immediate control (e.g., travel restrictions)
4. **Miss goal in order to issue Approval (AP) or Tentative Approval (TA)**

Situations:

I. AP (vs. issue a TA) on earliest lawfully approvable date
II. Minimize labeling-only Complete Response Letters (CRL) ***Pilot***
III. TA potential first applicant by 30-month forfeiture date
IV. Finalizing resolution of a very small review issue (so we can TA/AP vs. issue a CRL)

What Does the Commitment Letter Say?

I. Submission Review Performance Goals – chapter outlining goals

II. Original ANDA Review Program Enhancements

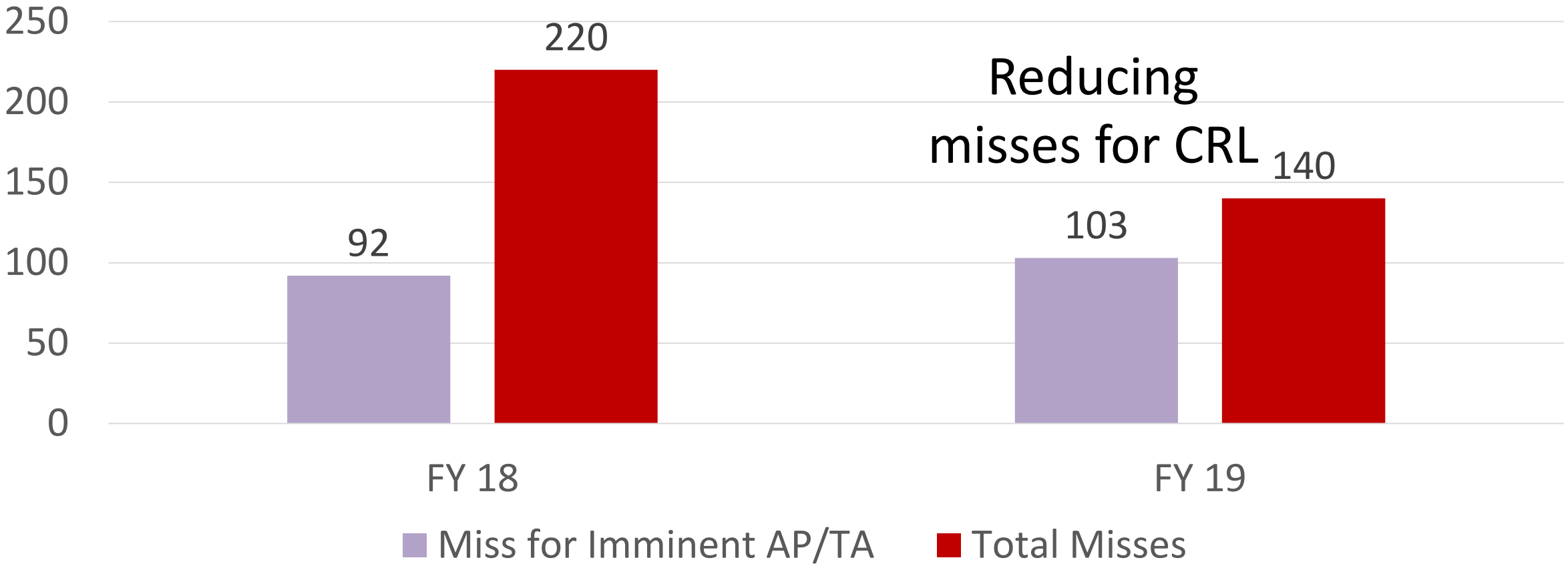
B. ANDA Review Transparency and Communications Enhancements

What Does the Commitment Letter Say? (cont.)

5. "FDA will continue to issue IRs and/or DRLs late in the review cycle, until it is no longer feasible, within the current review cycle, for applicant to develop and FDA to review a complete response to the IR and/or DRL"
6. "FDA should continue to work through the goal date if in FDA's judgment continued work would likely result in an imminent tentative approval that could prevent forfeiture of 180-day exclusivity or in an imminent approval."
7. "FDA will strive to act prior to the goal date when the review is done and there are no outstanding issues."

IRs = Information Requests DRLs = Discipline Review Letters

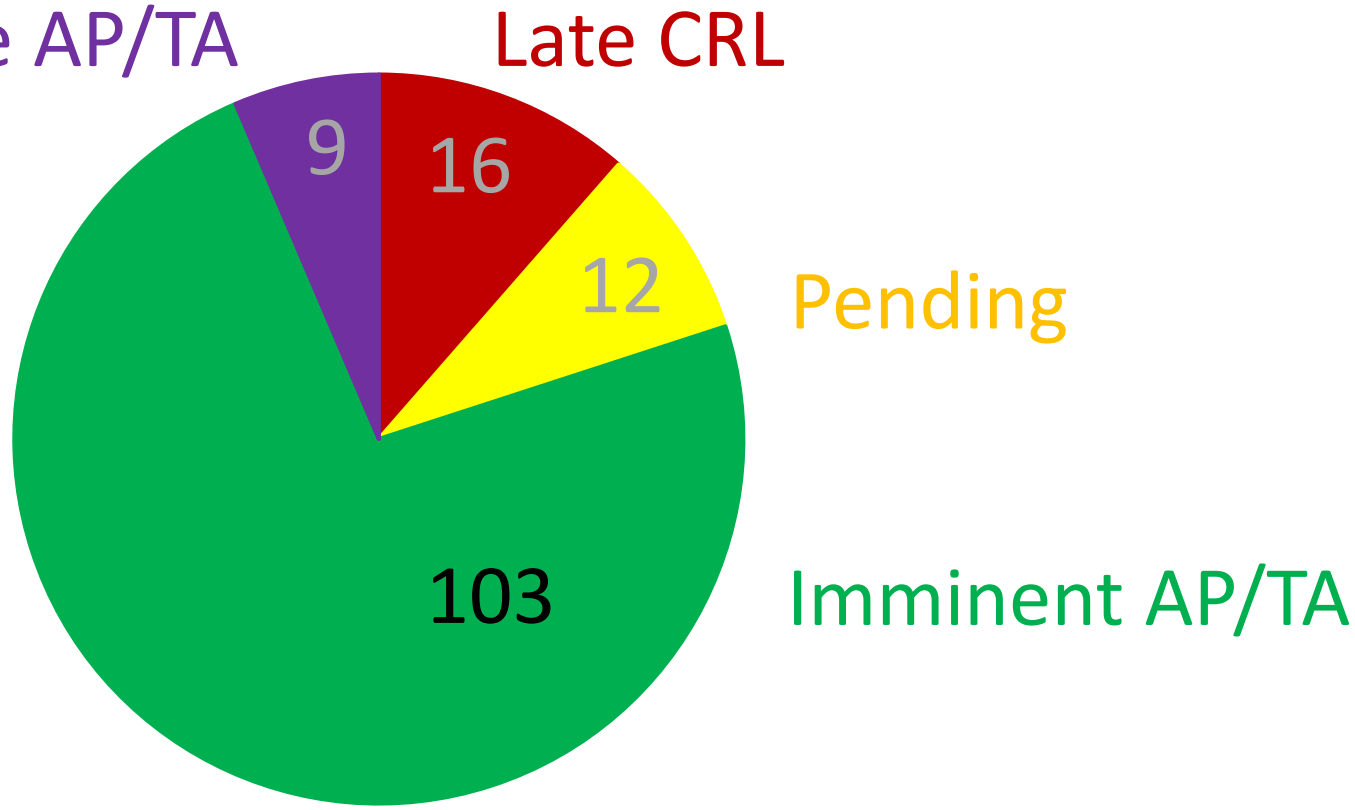
FY 18 vs FY 19 Misses for Imminent AP/TA



Note: FY 19 partial year data[10]

Missed Goals: By Reason

Note: not all AP/TA actions count as imminent approval. Late AP/TAs **are a miss!**



Note: FY 19 partial year data

Imminent AP/TA Situations

I. First lawfully approvable date within 60 days of the goal date, but **everything ready at the goal date** – invoke imminent AP

Examples:

- AP blocked until Oct. 15, 202X but GDUFA goal date Sept 26, 202X

  -Skip TA and miss goal date to issue AP on Oct. 15, 202X

- GDUFA date and patent date Sunday

  -Normally issue CRL or TA Friday before weekend goal date

  -Skip TA Friday, miss goal date with AP Monday after goal date

❖ First lawfully approvable date can be informed by other applications

Imminent AP/TA Situations (cont.)

II. Labeling is the only discipline currently inadequate with a simple labeling issue as the GDUFA goal date nears –
   - Not contemplated by GDUFA II Commitment Letter
   - Not always a very small review issue
   - FDA evaluating resources during pilot

Project Manager will check to see if applicant can respond in time to invoke imminent AP/TA

Pilot

Imminent AP/TA Situations (cont.)

III. First lawfully approvable date near, work through GDUFA goal date for very small issues ***and***

IV. Other applications when a very small review issue remains **and everything else is ready**

III. & IV. PM (and team) assess probability:

- Applicant can receive, **successfully** address & submit responding amendment by the due date, **in advance of the goal date** ***and***
- FDA team can assess amendment **prior to the GDUFA goal date**
  - Allows for last minute **CRL by the goal date** for problems
  - Allows for endorsement processes (multiple steps) to extend past the goal date for an imminent AP/TA

Gold = submissions from applicant

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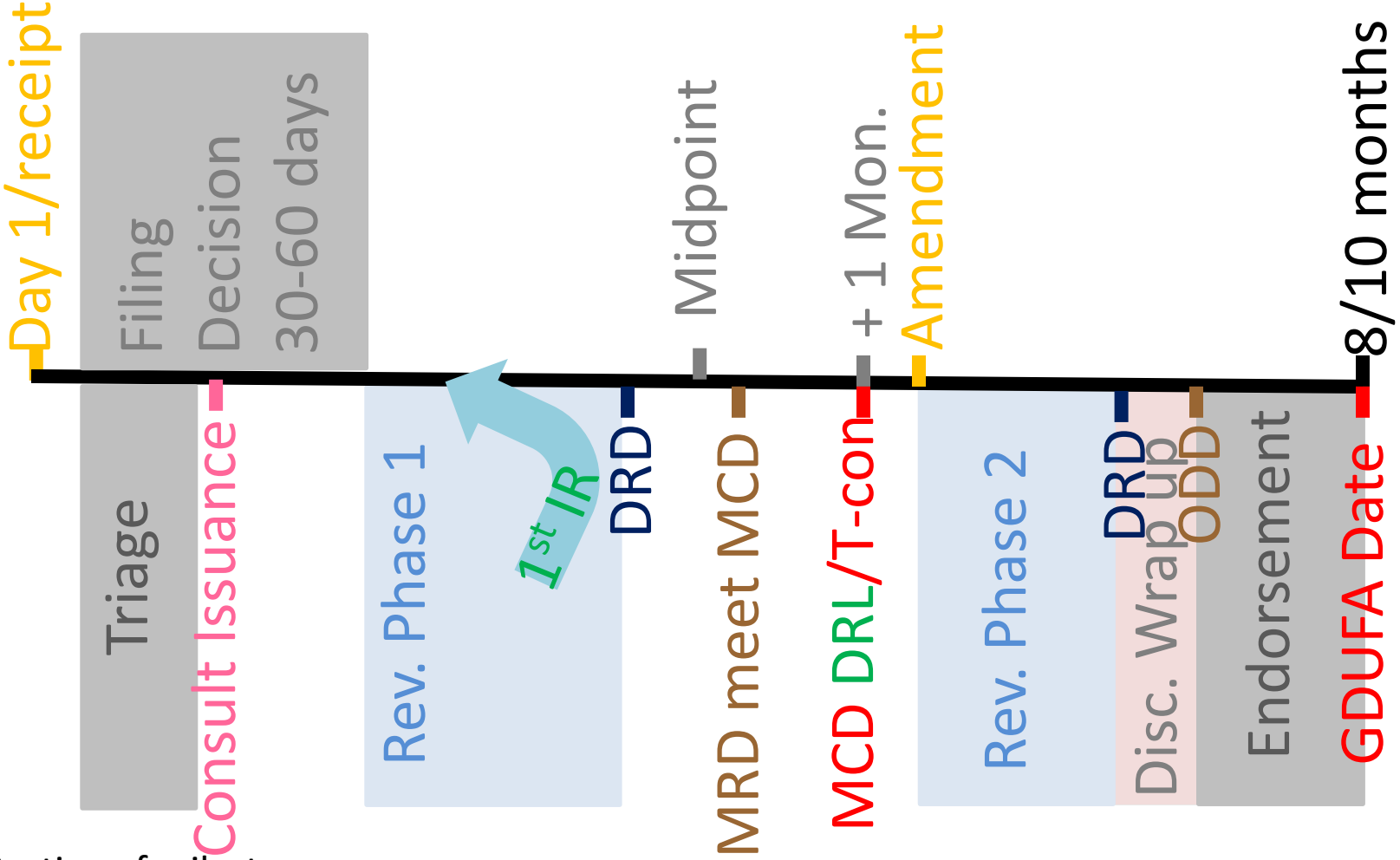
GDUFA II Goal Date TimeLine – 1st Cycle



Review Milestones

Note: this is only illustrative of milestones. Assessment work continues until the action letter is issued.

Disc. Wrap up = Discipline Wrap up

Gold = submissions from applicant

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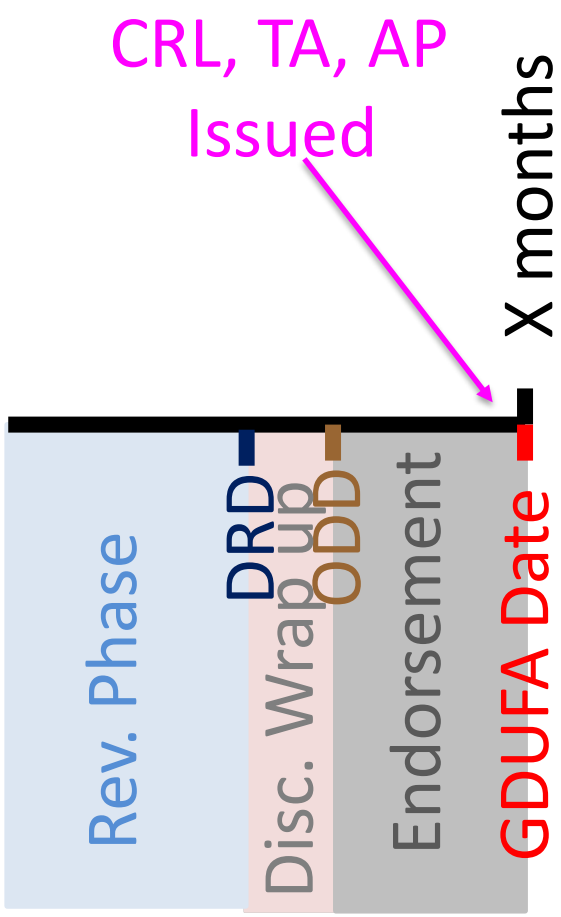
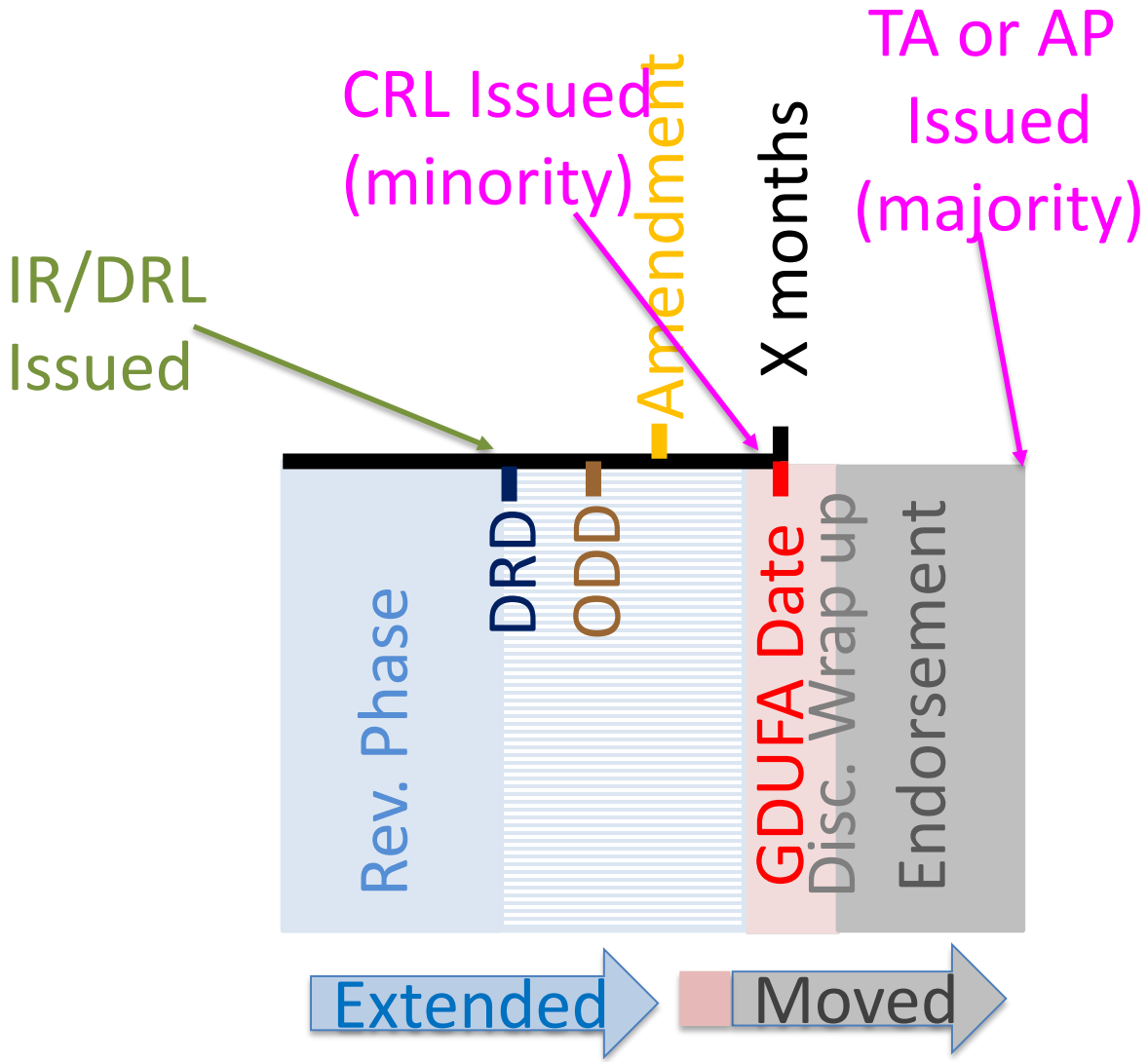
Meet Goal Date



Situation III & IV Example Timeline



Tips for Industry

- Make timely updates
  - Reference Listed Drug (RLD) changes
  - Patent/Exclusivity updates
- Monitor guidances and USP for changes
- Monitor and communicate with contractors
- Keep facilities and contractor facilities in good standing
- Quickly and completely respond to late cycle Discipline Review Letters (DRLs) and Information Requests (IRs), **by the requested due date, pre-goal date**

Imminent Approval Key Points

- FDA classifies an action as an imminent approval or tentative approval action if it is taken within 60 days of original goal date
- If FDA does not take the action within the 60-day period post-goal date, it counts as a miss
- *Imminent approval is always at FDA's discretion, based on totality of timing and specifics of the particular ANDA*

This is **Not** a Chance to:

- ⊗ Fix it later
- ⊗ Avoid required unsolicited amendments such as RLD updates
- ⊗ Send sloppy amendments or data dumps and try to use the imminent approval process to clean up your submission
- ⊗ Send incomplete amendments. If you are asked to address X, Y and Z, you must provide X, Y and Z. We will not accept just X and Y and use the imminent process to submit Z on eve of the goal date.
- ⊗ Send amendments with incomplete data (similar to above)

Caution!

- ✓ This only works if applicants make a good faith effort to submit the appropriate information **at the beginning of the cycle**.
- ✗ Gaming the process will force FDA to re-focus on goal dates over approval/tentative approval actions.

Value

- Industry:
  - Quicker APs and TAs
  - More likely to receive AP on earliest allowed date
- FDA:
  - Maintain assessment team's momentum
  - Reduce endorsement rounds
- Government: reduced treatment costs
- **Public:**
  - **Earlier access**
  - **Reduced treatment costs**

Thank you!

Background

Commitment Ltr: VII. Definitions

- ***Discipline Review Letter*** (DRL) – **preliminary thoughts** on deficiencies by Division at mid-point and any point prior to cycle completion

- ***Information Request*** (IR) – means a letter that is sent to an applicant during a review to request further information or clarification that is needed or would be helpful to allow completion of the discipline review.

Operational Definitions

- Discipline Review Date (DRD) – tool for managers to use to provide reviewers clarity on when primary reviews are needed; controlled by the discipline (a.k.a. task date)

- Mid-Review Date (MRD) – date all ***sub***-discipline reviews should be turned over to the discipline PMs for inclusion in the DRL; controlled by the discipline

Operational Definitions (cont.)

- Mid-cycle Date (MCD) – GDUFA II mid-point plus 30 days goal (priority ANDA 5 months & standard ANDA 6 months) for communicating the primary reviewer's thoughts to the applicant; controlled by the Commitment Letter (RPM can adjust for unsolicited amendments)
- Mid-Review-Cycle T-con – CDER initiated t-con with the applicant to discuss review thoughts, needs, clarifications, etc.; coordinated by the RPM and conducted by the MCD; **Pre-ANDA…Complex Program mtg applications only**

Operational Definitions (cont.)

- Owner Due Date (ODD) – date review(s) needs to be complete to allow action letter (CR, AP, TA) issuance in advance of the GDUFA II goal; controlled by the Regulatory Project Manager:
  - ***For an original - date all the discipline reviews need to be turned over to the RPM***
  - For cross cutting PAS – date all the discipline reviews need to be turned over to RPM
  - For labeling/quality only PAS – date the labeling review should be turned over to the Labeling PM/Quality RBPM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